IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**ORDER**

S.B.CRIMINAL MISC. PETITION NO. 1374/2006
(Purna Shankar & Anr. V/s State of Rajasthan & Anr.)

Date of Order : 13/07/2007

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mrs. Deepika Vyas for the petitioners.
Mr. Ashok Upadhyay, P.P.

**BY THE COURT**:-

Heard learned counsel for the petitioners and public prosecutor for the State. Perused the FIR No.330 dated 23.6.2006 P.S. Pratapgarh, district Chittorgarh for the offences under Sections 447 and 354 IPC r/w Section 3 (5) (11) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter). By the instant criminal Misc. petition under Section 482 Cr.P.C., the petitioners seek quashing of the FIR.

On careful perusal of the FIR, it appears that petitioner No.1 Purna Shankar is not the member of Scheduled Tribe and outraged the modesty of Prabhati. The FIR discloses

the ingredients of the offences noticed above. So far as petitioner No.2 Choukha is concerned, he himself being a member of Scheduled Tribe, therefore, the offence punishable under the Act cannot be made applicable to him. However, the other offence under Sections 447 and 354 IPC prima-facie discloses from the FIR.

In this view of the matter, the FIR to the extent of offence under Section 3 (5) (11) of the Act against petitioner NO.2 cannot sustain and instead the offences under Sections 447 and 354 IPC are prima-facie made out from the averments of the FIR against the petitioner No.2. So far as the petitioner No.1 is concerned, all the offences in the FIR are prima-facie made out from the averments made in the FIR. No case for quashing the FIR is made out. The petition is, therefore, dismissed.

**(H.R.PANWAR),J.**

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